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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,463	12/16/2003	John W. Northcutt	U03-0131.64	1462
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MOORE & VAN ALLEN PLLC			EXAMINER	
P.O. BOX 13706			LE, DANH C	
Research Triangle Park, NC 27709			ART UNIT	PAPER NUMBER
			2617	
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			06/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/707,463

Applicant(s)

NORTHCUTT, JOHN W.

Examiner

DANH C. LE

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8, 10-14, 17-20 and 26-30 is/are rejected.
- 7) ☒ Claim(s) 5-7, 9, 15, 16, 21-25, 31 and 32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-4, 17-20 are rejected under 35 U.S.C. 103(e) as being unpatentable over Mura-Smith (US 6,127,945).

As to claim 1, Mura-Smith teaches a method of presenting location data representing a mobile phone's current approximate location (figure 8 A/B and their descriptions) comprising:

determining the current position of the mobile phone (Position determine unit);

looking up locations within a predetermined distance from the current position of the mobile phone (the user selects or enters the geographic coordinate of all the restaurants within a specific area into the portable unit before venture into the geographic area); and

displaying a location icon representing a location within the predetermined distance to the current position of the mobile phone (figure 8b and col.5, lines 31-47).

As to claim 2, Mura-Smith teaches the method of claim 1 further comprising waiting a predetermined period before re-determining the current position of the mobile phone (col.7, lines 30-39).

As to claim 3, Mura-Smith teaches the method of claim 2 further comprising prompting the user to input the predetermined period (col.7, line 40-col.8, line 27).

As to claim 4, Mura-Smith teaches the method of claim 3 further comprising prompting the user to input the predetermined distance from the current position of the mobile phone (col.7, line 40-col.8, line 27).

As to claim 8, Mura-Smith teaches the method of claim 1 further comprising displaying primary data pertaining to the location icon including a distance and heading measurement, wherein the primary data is displayed along with the location icon (figure 8B).

As to claim 17, the claim is a software program of claim 1; therefore, the claim is interpreted and rejected as set forth as claim 1.

As to claim 18, the claim is a software program of claim 2; therefore, the claim is interpreted and rejected as set forth as claim 2.

As to claim 19, the claim is a software program of claim 3; therefore, the claim is interpreted and rejected as set forth as claim 3.

As to claim 20, the claim is a software program of claim 4; therefore, the claim is interpreted and rejected as set forth as claim 4.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 10-14, 26-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mura-Smith in view of Syrbe (US 2006/0148488).

As to claim 10-14, Mura-Smith teaches the method of claim 1, Mura-Smith fails to teach determining the current position of the mobile phone utilizes GPS, an Enhanced Observed Time Differential (E-OTD) system, a Time Of Arrival (TOA) system, a cell of original system within the mobile phone and providing the location icon to a network server such that it can be accessed by other mobile phone users. Syrbe teaches determining the current position of the mobile phone utilizes GPS, an Enhanced Observed Time Differential (E-OTD) system, a Time Of Arrival (TOA) system, a cell of original system within the mobile phone and providing the location icon to a network server such that it can be accessed by other mobile phone users (paragraph 057, 063). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Syrbe into the system of Mura-Smith in order to determine the location of the mobile device using different methods.

As to claims 26-30, the claims are the computer software program of claims 11-14; therefore, the claims are interpreted and rejected as set forth as claims 11-14.

Allowable Subject Matter

Claims 5-7, 9, 15, 16, 21-25, 31, 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to claims 5-7, 9, 15, 16, 21-25, 31, 32, the teaching of prior arts fails to teach further recited limitations of these claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. Fukui et al (US 2002/0115437) teaches information providing system, registration terminal, and portable terminal.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANH C. LE whose telephone number is 571-272-7868. The examiner can normally be reached on 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM TROST can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



May 22, 2007.
DANH LE

PRIMARY EXAMINER